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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE WESTERN DISTRICT OF MISSOURI
 WESTERN DIVISION

4 UNITED STATES OF AMERICA,) Case No. 10-00025-01-CR-W-HFS
)
5 Plaintiff,) Kansas City, Missouri
) March 1, 2010
6 v.)
)
7 KHALID QUAZZANI,)
)
8 Defendant.)
)
_____)

9
10 TRANSCRIPT OF HEARING ON MOTION FOR DETENTION
 AND SCHEDULING CONFERENCE
11 BEFORE THE HONORABLE SARAH W. HAYS
 UNITED STATES MAGISTRATE JUDGE

12 APPEARANCES:

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 Brian P. Casey, Esq.
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1 (Court in Session at 1:39 p.m.)

2 THE COURT: All right. Good afternoon. We're here on
3 Case No. 10-25-CR-W-HFS. If counsel would state their appearance
4 for the record.

5 MR. KETCHMARK: David Ketchmark, Daniel Stewart and
6 Brian Casey on behalf of the United States. Also at counsel
7 table is Scott Griswald, from the FBI.

8 MR. FOWLER: May it please the Court, Your Honor? Mr.
9 Quazzani appears in person and by and through Robin Fowler.

10 THE COURT: All right. We're here today for the
11 detention hearing. And I don't remember now if we, I think we
12 already did the arraignment. So, we're hoping to do the
13 scheduling conference as well while everyone's here. But turning
14 to detention issues, are the parties ready to proceed?

15 MR. FOWLER: We are, Your Honor, and I have a statement
16 to make that I think will short-circuit the process somewhat.

17 THE COURT: Okay.

18 MR. FOWLER: I talked to Mr. Quazzani. He's aware of
19 the pleading that was filed under seal by the Government. We had
20 planned on presenting evidence today, but Mr. Quazzani has
21 indicated that he does not want to do that and would like the
22 Court to make a finding based on the sealed pleading regarding
23 the detention issue. And to the extent that matters that are
24 sealed are part of the Court's ruling, I'm sure the Court will do
25 it without being asked, but we would ask that not necessarily the

1 finding itself of detention but maybe the basis of that to be
2 sealed for obvious reasons.

3 MR. KETCHMARK: Obviously, no objection to any of that,
4 Your Honor.

5 THE COURT: I'm just -- it's been a while since we've
6 all been here, and I was just going back and looking.
7 Apparently, we never -- I thought we had started the detention
8 hearing.

9 MR. KETCHMARK: We did, Your Honor. At the last court
10 proceeding when we were in Judge Larsen's courtroom, we did open
11 the proceedings. At that time, I asked the Court to take
12 judicial notice of the underlying Indictment that was handed down
13 on February the 3rd, and we also basically stipulated and agreed
14 that the information that was contained in the initial Pretrial
15 Services Report.

16 THE COURT: That's what I thought. And we'll -- oh,
17 okay. I'm sorry. I'm on the wrong -- my docket sheet hasn't
18 been updated to reflect this case. So, I was looking at the
19 docket sheet and not seeing that entered. But I just wanted to
20 make sure that that is what had happened. So, in addition then
21 to the Pretrial Report and the stipulation as to -- I'm sorry --
22 the Indictment, was that it? Certain facts in the Indictment?

23 MR. KETCHMARK: Yes, Your Honor.

24 THE COURT: Okay.

25 MR. KETCHMARK: We ask you to take judicial notice of

1 the Indictment as well, as the parties stipulated to the
2 information contained in the Pretrial Service Report.

3 THE COURT: Okay. And then we're adding to that the
4 Information that was filed under seal, which is basically the
5 Government's stipulation and proffer of facts for the detention
6 hearing.

7 MR. KETCHMARK: As well as, Your Honor, we filed a
8 supplemental suggestion in support of detention as part of that
9 sealed pleading.

10 THE COURT: Right. But in terms of the -- I'm just
11 trying to outline so that the record's clear what evidence the
12 Court has before it on the detention issue, and that would be the
13 Pretrial Services Report, the judicial notice of the Indictment
14 and then the 37-page stipulation?

15 MR. KETCHMARK: That's correct, Your Honor.

16 THE COURT: Okay.

17 MR. FOWLER: Judge, I would also note I think there's
18 been a supplemental report also, and that can be made part of the
19 record as well.

20 THE COURT: Thank you. And then we have the
21 Supplemental Pretrial Services Report that both sides are willing
22 to have the Court look at and rely on?

23 MR. KETCHMARK: That's correct, Your Honor.

24 THE COURT: Okay. All right. Anything else?

25 MR. KETCHMARK: No, that would factually conclude the

1 Government's submissions for detention, Your Honor.

2 THE COURT: All right. And any argument or anything
3 that anyone wants to make beyond what Mr. Fowler has indicated
4 for the record?

5 MR. KETCHMARK: No, Your Honor. We'd simply refer the
6 Court to the written submission that we filed under seal,
7 supplemental suggestions in support.

8 MR. FOWLER: And we have nothing further, Your Honor.

9 THE COURT: All right. Based on that then, the Court
10 will grant the Government's Motion for Detention, and we will
11 issue a written detention order outlining the basis on which the
12 Court is granting the motion. With respect to detention, is
13 there anything else that the Court needs to address?

14 MR. FOWLER: Not as far as we're concerned, Your Honor.

15 MR. KETCHMARK: Nothing from the Government, Your Honor.

16 THE COURT: All right. With respect to scheduling
17 issues, are the parties ready to address that particular issue?

18 MR. STEWART: Yes, Your Honor.

19 MR. FOWLER: Yes, Your Honor.

20 THE COURT: All right. The case is set on the March
21 22nd docket. And I don't know if the parties have had a chance
22 to meet to talk about when the case will be ready for trial.

23 MR. FOWLER: Judge, we have. We have -- I've already
24 received a fair amount of discovery pretty quickly from the
25 Government, and they've indicated other items that we need to be

1 provided within pretty quick time table. Having said that,
2 though, there are a significant number of documents. I think,
3 candidly, this case is unlikely to go to trial. At the same
4 time, there are a lot of documents to look through to try to
5 determine -- well, a number of factors, guidelines, et cetera. I
6 would ask for 60 days before I file motions. In discussing with
7 the Government, we kind of went through in our head where that
8 might leave us and thought maybe the August trial setting would
9 be appropriate. So, that's kind of our thoughts, Your Honor.

10 THE COURT: Are you going to then file a motion to
11 continue it until August?

12 MR. FOWLER: Yes, Your Honor, I was going to file that
13 tomorrow.

14 THE COURT: Okay. And have you talked to the defendant?
15 He's in custody. Does he have any objection to continuing the
16 case until August?

17 MR. FOWLER: He does not, Your Honor. We just discussed
18 it. After I talked to the Government, had that time table, I
19 indicated he has a right to a speedy trial. We were going to
20 move to continue that beyond the 70 days to an August trial
21 setting. He's aware of that and said that was fine.

22 THE COURT: All right. And right now, so, you want 60
23 days in which to file pretrial motions, so, that would put it
24 around the first part of May?

25 MR. FOWLER: Yes, Your Honor.

1 THE COURT: Okay. And right now, are there issues that
2 you think we'll need to have a hearing on?

3 MR. FOWLER: I do not think so. I think it will be
4 resolved, and I think we may know by that 60-day time table. If
5 it turns out that we're not going to be able to resolve it and
6 that a hearing's necessary, we should know that by then as well.
7 I don't think we need to set any other hearings --

8 THE COURT: Okay.

9 MR. FOWLER: -- or any motions.

10 THE COURT: All right. And turning to discovery
11 matters, defendant has no prior convictions, correct?

12 MR. STEWART: Correct.

13 THE COURT: And do you have statements from the
14 defendant?

15 MR. STEWART: Yes.

16 THE COURT: And any evidence obtained by search and
17 seizure?

18 MR. STEWART: Yes.

19 THE COURT: And what was that?

20 MR. STEWART: There are several consents and --

21 THE COURT: Consent of defendant?

22 MR. STEWART: And a search warrant.

23 THE COURT: A federal search warrant?

24 MR. STEWART: Yes.

25 THE COURT: And consent of the defendant as opposed to

1 another person?

2 MR. STEWART: Correct.

3 THE COURT: All right. And any electronic --

4 MR. STEWART: Actually both. Both consent of the
5 defendant and a relative.

6 THE COURT: All right. Any electronic surveillance?

7 MR. STEWART: Yes.

8 THE COURT: And what was that?

9 MR. STEWART: There were consensually recorded meetings
10 with one of the bank officers. One is recorded audio and visual
11 and the other just audio.

12 THE COURT: And any lineups or photo IDs?

13 MR. STEWART: No.

14 THE COURT: Will you have expert testimony at trial?

15 MR. STEWART: May.

16 THE COURT: In what areas?

17 MR. STEWART: While it's unlikely, there may be some
18 financial experts that would have to be called at trial relating
19 to some of the transactions.

20 THE COURT: And were there any informants?

21 MR. STEWART: No.

22 THE COURT: Will there be promises made to any witnesses
23 at trial?

24 MR. STEWART: No.

25 THE COURT: And do you have any *Brady* or *Giglio*?

1 MR. STEWART: No.

2 THE COURT: Mr. Fowler, do you plan to raise any issues
3 of competency or diminished mental responsibility?

4 MR. FOWLER: No, Your Honor.

5 THE COURT: And right now, any defenses other than
6 general denial?

7 MR. FOWLER: That would it, Your Honor.

8 THE COURT: And does the Government have any relevant
9 offense conduct?

10 MR. STEWART: Yes, Your Honor.

11 THE COURT: And Rule 404(b)?

12 MR. STEWART: Primarily the relevant. There will be
13 some 404(b), other financial transactions similar to those
14 charged.

15 THE COURT: And will both sides provide Jencks Act
16 material at least ten days prior to trial?

17 MR. STEWART: Yes.

18 MR. FOWLER: Yes, Your Honor.

19 THE COURT: All right. Is there anything else we need
20 to address today?

21 MR. STEWART: Not on scheduling.

22 MR. FOWLER: No, Your Honor.

23 THE COURT: All right. Then we'll be in recess.

24 (Court Adjourned at 1:48 p.m.)
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6 I certify that the foregoing is a correct transcript
7 from the electronic sound recording of the proceeding in the
8 above-entitled matter.

9
10 /s/ Lissa C. Whittaker
Signature of transcriber

January 8, 2011
Date